

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA <i>ex rel.</i>	§	
CORI RIGSBY and KERRI RIGSBY	§	
	§	RELATORS/
	§	COUNTER-DEFENDANTS
v.	§	
	§	Civil No. 1:06CV433-HSO-RHW
	§	
STATE FARM FIRE AND	§	DEFENDANT/
CASUALTY CO.	§	COUNTER-PLAINTIFF

**ORDER GRANTING IN PART AND DENYING IN PART DEFENDANT
STATE FARM FIRE AND CASUALTY COMPANY'S *ORE TENUS* MOTION
FOR JUDGMENT AS A MATTER OF LAW**

BEFORE THE COURT is Defendant State Farm Fire and Casualty Company's *Ore Tenus* Motion for Judgment as a Matter of Law, pursuant to Federal Rule of Civil Procedure 50, made during the jury trial of his matter at the close of Relators' case-in-chief and again at the close of all evidence. State Farm seeks judgment on Relators' three remaining claims asserted against it for violations of 31 U.S.C. § 3729(a)(1) (1994), as contained in Count I of the Amended Complaint [16]; 31 U.S.C. § 3729(a)(1)(B) (2009), as contained in Count II of the Amended Complaint [16]; and 31 U.S.C. § 3729(a)(3) (1994), as contained in Count III of the Amended Complaint [16].

The Court has heard from the parties on the record, and the parties have filed trial briefs [1082], [1083], [1086], on issues related to the Motion. After carefully considering the arguments of counsel, the pleadings on file, the record evidence, and relevant legal authorities, and for the reasons more fully stated on the record during the trial of this matter, the Court finds that State Farm's Motion

should be granted in part and denied in part. Because Relators have presented insufficient evidence from which a reasonable jury could conclude that State Farm's alleged co-conspirators shared a specific intent to defraud the Government, the Motion will be granted in part as to Relators' conspiracy claim under 31 U.S.C. § 3729(a)(3) (1994). This claim will be dismissed. The remainder of State Farm's Motion will be denied.

IT IS, THEREFORE, ORDERED AND ADJUDGED that, for the reasons stated on the record, Defendant State Farm Fire and Casualty Company's *Ore Tenus* Motion for Judgment as a Matter of Law, pursuant to Federal Rule of Civil Procedure 50, is **GRANTED IN PART AND DENIED IN PART**.

IT IS, FURTHER, ORDERED AND ADJUDGED that, Relators' conspiracy claim under 31 U.S.C. § 3729(a)(3) (1994), as contained in Count III of the Amended Complaint [16], is **DISMISSED WITH PREJUDICE**.

SO ORDERED this the 5th day of April, 2013.

s/ Halil Suleyman Ozerden
HALIL SULEYMAN OZERDEN
UNITED STATES DISTRICT JUDGE